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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,298	12/01/2003	Georg Michelitsch	282734US8X	6105
22850	7590	07/18/2007	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			TERMANINI, SAMIR	
1940 DUKE STREET			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			2178	
NOTIFICATION DATE		DELIVERY MODE		
07/18/2007		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/726,298	MICHELITSCH ET AL.
	Examiner	Art Unit
	Samir Termanini	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 April 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 15-23 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 15-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 December 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>N/A</u> .	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### **BACKGROUND**

1. This FINAL Office Action is responsive to the following communications: Amendment filed on 4/5/2007 .
2. Claims and 15-23 are pending. Claims 15, 19, and 20 are independent in form.
3. Applicant canceled claims 1-6 and 9-14, thereby rendering moot the Rejections cited by the Examiner in the previous Office Action (dated 1/5/2007) under 35 USC 102(b) in view of *Kuga*. Accordingly, the Rejection is withdrawn.
4. Applicant canceled claims 7-8, thereby rendering moot the Rejections cited by the Examiner in the previous Office Action (dated 1/5/2007) under 35 U.S.C. §103(a) in view of *Kuga* and *Lee*. Accordingly, the Rejection is withdrawn.
5. Applicant canceled claims 1, 3, 5-8, 11, and 13, thereby rendering moot the Rejections cited by the Examiner in the previous Office Action (dated 1/5/2007) under 35 U.S.C. §112, second paragraph. Accordingly, the Rejection is withdrawn.
6. Applicant canceled claims 11 and 13, thereby rendering moot the Rejections cited by the Examiner in the previous Office Action (dated 1/5/2007) under 35 U.S.C. §101. Accordingly, the Rejection is withdrawn.
7. Arguments concerning the novelty and unobviousness of newly added claims 15-23 have been fully considered but they are not persuasive.

### **CLAIM REJECTIONS - 35 USC § 112**

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. **Claims 15, and 19–20** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More specifically, **Claims 15, and 19–20** recite the limitation *said information* in their respective final lines, however it is unknown if applicant intended for *said information* to encompass *position information* and if not, if *said information* otherwise referred to *displaying information*. For at least these reasons, there is insufficient antecedent basis for theses limitations in the claim.

As to **claims 16–18, and 21–23**, the grounds of rejection addressed under 112, second paragraph, with respect to **Claims 15, and 19–20**, *supra*, are repeated and set forth against **claims 16–18, and 21–23**, for the reason that they inherit the deficiencies of their parents.

### **CLAIM REJECTIONS - 35 U.S.C. §102**

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 15–17 and 19–22** are rejected under 35 U.S.C. 102(b) as being anticipated by *Lee* (U.S. Pre-Grant Pub. 2003/0234799 A1).

As to independent **claim 15**, *Lee* describes: a method for operating a display device ("...display apparatus 10 ...," para. [0040]), comprising: generating user position information of a user in relation to a display of said display device ("...distance between the display apparatus 10 and a user...," para. [0030]), wherein said user position information is descriptive of a distance of the user with respect to said display ("...according to the distance between a user and the display...," para. [0029]); changing a display mode for displaying information on said display depending on said user position information ("...sensed by the distance sensor 11 and adjusts a size of an image on the basis of the read image displaying ratio data...," para. [0029]), wherein in said display mode an amount of said displayed information depends on said user position information ("...displaying ratio data storage part 3 according to the distance between a user and the display apparatus ...," para. [0029]); and displaying said information on said display based on said display mode ("...displaying ratio data, and an image displaying ratio setting ...," para. [0029]).

As to dependent **claims 16–17**, which depends from claim 15, *Lee* further discloses re-phrasing of text ("...According to the first embodiment of the present invention, the video card 7 can be controlled by a video card control program such as a

text size adjusting function of a control board provided in the operating system....," para. [0033]): If a user is in a first position (closer distance) with respect to the display the information includes an amount of text that is larger than what it would be if the user was in a second position (farther distance) with respect to the display. See Figures 5 and 6, reproduced below.

FIG. 5

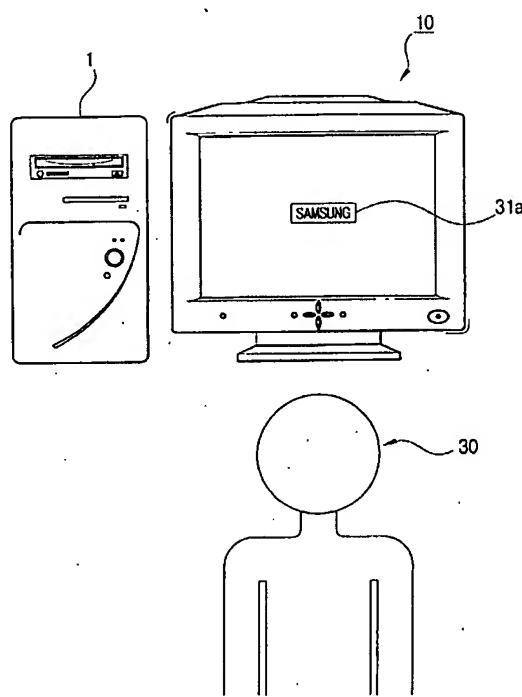
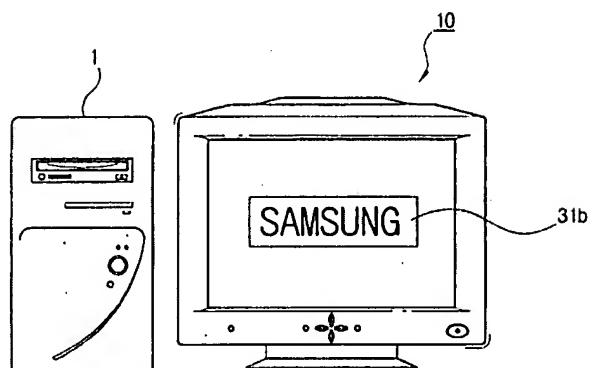
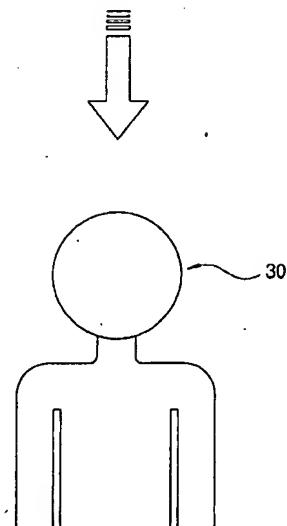


FIG. 6



FIGS. 5 and 6 illustrate the size of an image according to the distance between the display apparatus 10 and a user. As shown therein, if the distance between the display apparatus 10 and a user 30 becomes more distant, the size of an image displayed on the display apparatus 10 is enlarged (refer to a change from 31a of FIG. 5 to 31b of FIG. 6), so that the image can be easily seen by a user. In contrast, if a user 30 moves closer to the display apparatus 10, the size of the image displayed on the display apparatus 10 is reduced. (Lee, para. [0038]).



As to independent **claim 19**, this claim differs from claim 15 only in that it is directed to a computer readable medium defined by the process of claim 15. *Lee* describes, ("...the present invention provides a method for adjusting an image size of a display apparatus, a system for the same, and a media for recording a computer program therefor, in which the size of an image is automatically adjusted according to a change of a distance between the display apparatus and a user....," para. [0043]). Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 15, above.

As to independent **claim 20**, *Lee* further describes: a display device comprising: a display configured to display information ("...this configuration, an image such as a letter, a picture, etc. displayed on a display apparatus is automatically enlarged/reduced according to a change of a distance between the display apparatus and a user, so that the user can see the image easily regardless of the distance between the display apparatus and himself/herself....," para. [0042]). Therefore this claim is rejected under for the additional reasons set forth in the treatment of claim 15.

As to dependent **claims 21-22**, which depends from claim 20, *Lee* further describes: a display device comprising: a display configured to display information ("...displayed on a display apparatus...," para. [0042]). Therefore this claim is rejected under for the additional reasons set forth in the treatment of claims 16 and 17, respectively.

### **CLAIM REJECTIONS - 35 U.S.C. §103**

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

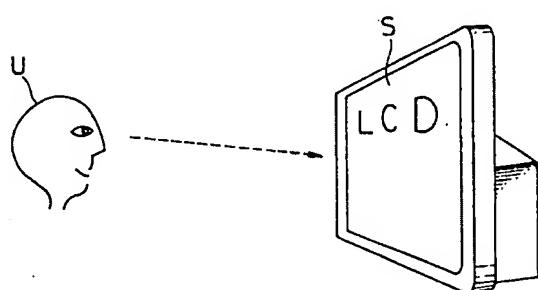
13. **Claims 18 and 23** rejected under 35 U.S.C. 103(a) as being unpatentable over *Lee* (U.S. Pre-Grant Pub. 2003/0234799 A1) in view of *Kuga* (U.S. Patent No. 5,686,940 A).

As to dependent claim 18, which depends from claim 15, *Lee* taught the limitations addressed in the treatment of claim 15, above. Specifically, a method for operating a display device ("provided on a display apparatus", Abstract), comprising: generating user position information of a user in relation to a display of said display device ("distance between the LCD 1 and the upper half of the user's body is detected," col. 3, lines 24-30), wherein said user position information is descriptive of a distance of the user with respect to said display ("whether the upper half of the user's body is near the LCD 1 or far from the LCD 1 is detected." col. 3, lines 24-30), changing a display mode for displaying information on said display depending on said user position information ("display of a moving image is made according to the detected distance." col. 1, lines 59-63), wherein in said display mode an amount of said displayed information depends on said user position information and displaying said information

on said display based on said display mode ("The changeover between the enlargement and the reduction of an image and between the scrolling and the stopping of a text and between the moving display and the stationary display of a moving image is made according to the detected distance." col. 1, lines 59-63). However, *Lee* fails to clearly disclose that the information includes a first amount of semantic content in a first position, or a second amount of semantic content in a second position.,.

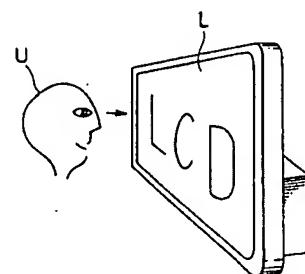
*Kuga* teaches that in a first position, the information includes a first amount of semantic content in a first position, or a second amount of semantic content in a second position, ("...the upper half of the user's body is moved away from the LCD 1 to perform the high-speed scrolling, and when a desired part of the displayed image is approached, the upper half is slightly moved toward the LCD 1 to perform the low-speed scrolling. When the desired part is displayed, the upper half is further moved toward the LCD 1 to stop the scrolling.," col. 4, lines 50-59) wherein said first position represents a closer position to said display than said second position and said first amount of semantic content is larger than said second amount of semantic content.

FIG. 2



For example, in Fig. 2 the distance between a user U and the LCD 1 is long, so that a reduced image S is displayed on the LCD 1 (col. 3, lines 37-45).

FIG. 3



For example, in Fig. 3 the distance between the user U and the LCD 1 is short, so that an enlarged image L is displayed on LCD 1 (col. 3, lines 37-45).

Art Unit: 2178

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the method (according to the teachings of *Lee*) of increasing the changing the amount of semantic content along with font size according to the proximity the user was to (or conversely from) the display because: (1) *Kuga* and *Lee* are in the same field of endeavor of adjusting an image size of a display apparatus<sup>1</sup>; (2) *Kuga* and *Lee* are further directed to the same problem of adjusting the size of an image automatically according to a change of a distance between a display apparatus and a user<sup>2</sup>; and (3) The teachings in *Kuga* provide a motivation for using the method taught by *Lee* (i.e. the font size is continuously increased when increasing the distance between a user and a display and that the font size is continuously decreased when decreasing the distance between a user and a display) because *Kuga* expressly suggests the that the manual process of changing displays is cumbersome and inefficient especially for handicapped people (including those with visual impairments):

The change of displays is usually made by the user by operating an input means[.] However, when the display modes are changed by such operations, delay is readily caused in the man to machine interface, and the operations themselves are complicated. In addition, the operations are sometimes very difficult for physically handicapped people. (*Kuga*, col. 1, lines 31-46).

As to dependent **claim 23**, this claim differs from claim 18 only in that it is directed to a product defined by the process of claim 18. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 18, above.

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<sup>1</sup> "In FIG. 2, the distance between a user U and the LCD 1 is long, so that a reduced image S is displayed on the LCD 1. In FIG. 3, the distance between the user U and the LCD 1 is short, so that an enlarged image L is displayed on LCD 1." col. 3, lines 37-45, *Kuga*.

<sup>2</sup> Thereby, the change of display is made by a very natural movement of the viewer that the upper half of the body is moved forward or backward." col. 1, line 65 -to- col. 2, line 3 *Kuga*.

## RESPONSE TO ARGUMENTS

14. Applicant arguments, see p. 7, filed 4/5/2007, with respect to the what the prior art teaches, have been fully considered but are not persuasive.

15. Applicant argues: " Kuga, however, fails to teach or suggest changing a display mode for displaying information on said display depending on said user position information 'wherein in said display mode an amount of said displayed information depends on said user position information,' as recited in new independent Claim 15."

The new rejection relies on *Lee* for this teaching.

16. Applicant argues: "However, Kuga does not describe that the amount of information displayed on the display device is changed based on a user's position. Specifically, Kuga describes graphically effectuating the way information is presented, but does not describe that the amount of information displayed depends on a user's detected position."

The examiner has taken the position that *Kuga* teaches: that the amount of information displayed depends on a user's detected position as illustrated by *graphically effectuating the way information is presented*.

17. Applicant argues: However, Lee similar to Kuga, does not describe changing the amount of information displayed based on the detected position of a user.

However, the reason for the *text scrolling* in *Kuga* is because the text no longer fits on the screen, as addressed in the rejection of claim 15, *supra*. (*Kuga*, col. 1, lines 59-63).

## CONCLUSION

18. All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure. Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding to this Office Action.

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571)

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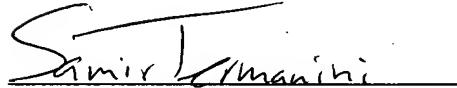
270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



STEPHEN HONG  
SUPERVISORY PATENT EXAMINER



Samir Termanini  
Patent Examiner  
Art Unit 2178